

REGULAR CITY COUNCIL MEETING
FEBRUARY 24, 1992

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Rex Harris	Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Public Works Director	Neil Forster
Clinton Scott	Insight Cablevision
Doyle Bender	City Treasurer
Kate Hellenbrand	Chronicle/Progress
Rita Byrd	Public Works Secretary

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Gayle Bunker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held January 27, 1992, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Robert Dekker MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of an Emergency City Council Meeting held January 28, 1992, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Droubay MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held February 10, 1992, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Robert Droubay MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Special City Council Meeting held February 14, 1992, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Dekker MOVED that the accounts payable be approved for payment as listed in the amount of \$140,445.11. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

ATTORNEY RICHARD WADDINGHAM: DELTA CITY PERSONNEL POLICY

Attorney Waddingham was not prepared to discuss this agenda item.

COUNCIL MEMBER GAYLE BUNKER: APPOINTMENT OF PLANNING COMMISSION MEMBERS

Mayor Dafoe asked Council Member Gayle Bunker to discuss the appointment of Planning Commission Members.

Council Member Gayle Bunker said that he talked with Russell Jones and Dale Roper and they have agreed to serve a four-year term on the Planning Commission. He then MOVED to appoint Dale Roper and Russell Jones as Planning Commission Members for a four-year term. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

NEIL FORSTER, PUBLIC WORKS DIRECTOR: IRRIGATION WATER SYSTEM PROCEDURES

Mayor Dafoe asked Public Works Director Neil Forster to discuss irrigation water system procedures for Delta City.

Public Works Director Neil Forster explained that during the course of last year's irrigation water season, Delta City used all of their available water having one more irrigation turn left. Delta City then rented water from Millard School District to make up their overdraft and to allow enough water for the final irrigation turn.

Mayor Dafoe explained that the irrigation company recently computerized their water records making the records more accurate.

In order to prevent any further shortages in irrigation water, Mr. Forster presented the following procedures for Council's approval:

DELTA CITY IRRIGATION WATER SYSTEM PROCEDURES

Following is a statement of Delta City's irrigation water system procedures. To receive irrigation water through the Delta City ditch system, the following requirements must be fulfilled:

1. A ditch tax is to be paid to Delta City by everyone receiving water through the ditch system. The cost of this tax will be set by the Delta City Council annually.

These monies will be used to maintain the ditch system from the head ditch to the customer's outlet.

2. Users will be required to provide adequate water for their usage.

Water can be transferred to the City by owned water stock or rented from an irrigation company stockholder. These transactions must be made with the irrigation company. Delta City will evaluate the transfers on an acre foot basis.

Some water will be available to rent from Delta City. The price per acre foot will be determined by the City Council annually.

Proof of water transfer or rental must be provided to the Delta City office prior to any water delivery through the City ditch system.

3. Water delivery schedules will be set annually. When feasible, water will be delivered every other week beginning sometime in April (weather permitting and with available water) through September (later if conditions require and water is available).
4. It shall be the duty of the Delta City Water Master to apportion and allocate the water flowing through the Delta City ditch system. Said apportionment and allotment will be made with respect to the amount of water available as determined from the records of the irrigation company. He shall also supervise the proper location, construction, and repair of all gates and ditches for the distribution of said water. He shall also be responsible to clean and repair all ditches necessary for distribution of water in Delta City.
5. When water is to be delivered to a customer's property, there needs to be a responsible person available to accept the water delivery. Without this person or prior arrangements being made, water will not be delivered.
6. Unauthorized water deliveries not handled by Delta City's water master, are grounds to forfeit the right to use the ditch system and any future water use.
7. Delta City shall not be liable for damages to any water user by reason or stoppage or interruption of his water supply caused by scarcity of water, accidents to canals, ditches, etc., or during any alteration, repairs, additions or other unavoidable cause.

Mr. Forster said that the above procedures will be mailed out to each irrigation water user along with a letter on March 15th. He said that there are presently 85 irrigation water users within Delta City.

Attorney Waddingham recommended that the above procedures be adopted by resolution or ordinance so that they are enforceable by Delta City.

Mr. Forster requested that the City Council establish a Ditch Tax User Fee and a Water Rental Fee for 1992.

Following discussion, Council Member MOVED to instruct Attorney Waddingham to amend the present resolution to incorporate the

above irrigation water system procedures and to set the 1992 Ditch Tax User Fee at \$30.00 and the Irrigation Water Rental Fee at \$25.00 per acre foot. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mr. Forster requested that a resolution be prepared for adoption at the next Regular City Council Meeting in order to expedite their notification to water users.

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO INSIGHT CABLEVISION ORDINANCE

Mayor Dafoe asked Attorney Richard Waddingham to present an amendment to the Insight Cablevision Ordinance.

Attorney Richard Waddingham presented the following proposed ordinance entitled:

ORDINANCE NO. 92-142

AN ORDINANCE AMENDING SECTION 15 OF ORDINANCE NO. 90-122 BY ELIMINATING INSIGHT CABLE TELEVISION COMPANY'S OBLIGATION TO MAINTAIN A LOCAL SERVICE OFFICE IN DELTA, UTAH.

Mr. Waddingham explained that the ordinance states that Insight Cable Television is not required to maintain a business office or maintain a force of one or more agents or employees in Delta until March 1, 1993. However, Insight Cable Television is required to maintain a toll-free telephone number within the City during regular business hours so that maintenance service to any part of the system will be available.

Following discussion, Council Member Robert Droubay MOVED to adopt Ordinance 92-142 as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

Mr. Scott said that First Security Bank has agreed to collect payments for Insight Cable Television.

MAYOR DON DAFOE: DELTA CITY TREASURER

Mayor Dafoe explained that over the past several years City Treasurer Doyle Bender has become negligent of his accounting responsibilities and many accounts have been affected, which has proven to be very costly to the City. He said that at the last Regular City Council Meeting, Doyle Bender, Acting City Treasurer, was instructed to bring all the City's books current, both revenues and expenditures.

A General Ledger report was provided to Mayor Dafoe and each Council Member. Mr. Bender explained the current revenues and expenditures. Mayor Dafoe asked for comments and/or questions from the Council to Mr. Bender.

Lengthy discussion was held regarding Special Improvement District (S.I.D.) accounts. Many S.I.D. payments have not been properly accounted for, many payments were found in the Water Department Account, and many payments have not been collected over the past six years totaling between \$16,000 and \$20,000.

During discussion of the collection of S.I.D. accounts, Attorney Waddingham recommended that the City Council comply with Ordinance No. 85-94 which requires that, "all unpaid installments of an assessment levied against any piece of property (but only in their entirety) may be paid prior to the dates on which they become due..."

Following discussion, the Council concurred that delinquent S.I.D. payments should be accepted on a monthly basis until paid in full; but, current annual payments should be paid in full prior to or on their due date. Any default in payment will then begin foreclosure proceedings.

Discussion was also held regarding Delta City Firemen's health insurance payments. Many of these payments have not been properly accounted for and many payments have not been collected over the past several years. The Council also concurred that delinquent health insurance payments should be accepted on a monthly basis until paid in full; but current annual payments should be paid in full prior to or on their due date. Any default in payment will then be cause for cancellation of health insurance coverage.

Mayor Dafoe said that, although it is the Treasurer's job, City Recorder Dorothy Jeffery has been instructed to reconcile the S.I.D. and health insurance accounts and to resolve the problems incurred involving those accounts.

Mayor Dafoe then instructed Mr. Bender to discontinue any extra curricular activities, discontinue his association with the Utah Municipal Treasurer's Association and to keep current on his responsibilities as Delta City Treasurer or he will be terminated. Mayor Dafoe further stated that Mr. Bender's work will be closely monitored continuously.

Following further discussion, Council Member Gayle Bunker MOVED to appoint Doyle Bender as Delta City Treasurer. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Council Member Gayle Bunker said that he attended the last Millard County Commission Meeting wherein Revenue Sharing was discussed. He said that the Commission received a favorable report from the State Auditor's office regarding their plan for Revenue Sharing with the ten cities and towns within Millard County.

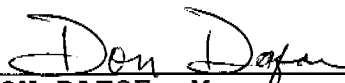
Council Member Gayle Bunker then reported on the License Hearing regarding the Wagon Wheel Tavern that was held February 21, 1992. He said that Gordon Searle, as manager and Lessee of the Wagon Wheel, is guilty of allowing and serving minors in his bar on January 19, 1992.

He explained that the Board ruled that inasmuch as Mr. Searle was not the one who personally allowed the incident to happen, the Board fined Mr. Searle \$1,000.00 and restricted the hours that he may have his bar open from 3:00 p.m. to 1:00 a.m. each day between and including March 1, 1992 and April 30, 1992.

Brief discussion was held regarding funding for Kris Fowles, Receptionist.

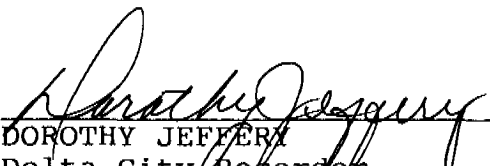
Discussion was held regarding a program sponsored by Valley Bank for any business interested in funding to upgrade the front of their business.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 8:00 p.m.


DON DAFOE, Mayor

RCCM 2-24-92

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DOROTHY JEFFERS
Delta City Recorder

MINUTES APPROVED: RCCM 3-09-92